IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10865 of 2004
With
CIVIL APPLICATION No. 2842 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BACHUBHAI SARADBHAI VASAVA - Petitioner(s)
Versus
MELSINGBHAI TRIBHOVANBHAI - Respondent(s)

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Appearance :
MR NK MAJMUDAR for Petitioner(s) : 1,
MR PN BAVISHI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 12/07/2006

ORAL JUDGMENT

1. Mr. NK Majmudar, learned advocate of the petitioner, seeks leave to withdraw the petition reserving liberty to approach concerned appropriate

authority/Court for establishing his right of tenancy under the Bombay Tenancy and Agricultural Lands Act, 1958 ('the Act' for short) in the suit property.

2. Leave as prayed for is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

3. It would be open to the petitioner to file substantive application before concerned appropriate authority/Court for establishing his right of tenancy under the Act in the suit property. If and when such an application is filed by the petitioner, the same shall be decided by the concerned appropriate authority/Court in accordance with law.

4. As the main petition is disposed of as withdrawn, the above mentioned civil application for vacating the interim relief does not assume any survival value and hence the same is rejected with no order as to costs.

(A.M. Kapadia, J.)

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